

**ASSEMBLY BILL**

**No. 568**

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**Introduced by Assembly Member Robert Rivas**  
**(Coauthor: Assembly Member McCarty)**  
(Coauthor: Senator Cortese)

February 11, 2021

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An act to amend Section 8212 of the Education Code, to amend Sections 1596.853 and 1596.874 of the Health and Safety Code, and to add Section 10207 to the Welfare and Institutions Code, relating to early learning and care.

LEGISLATIVE COUNSEL'S DIGEST

AB 568, as introduced, Robert Rivas. Early learning and care: complaints about discrimination and exclusion of children: Early Learning and Care Dashboard.

(1) Existing law establishes childcare resource and referral programs, which are established to serve a defined geographic area and provide prescribed services. Among the services provided by these programs is the establishment of a referral process that responds to parental need for information, that is provided with full recognition of the confidentiality rights of parents, and that makes referrals to licensed child day care facilities, as specified. In providing these services, childcare resource and referral programs are required to maintain ongoing documentation of requests for service, including, among other types of data, the number or calls and contacts to the childcare information and referral program or component, the ages of children served, and the reason that the childcare is needed.

This bill would express the intent of the Legislature to enact legislation that, through greater data transparency and accountability, addresses

the suspension and expulsion of African American and Hispanic children in early learning and care settings at disproportionate rates and inequitable access to high-quality early learning and care.

The bill would add to the documentation required to be maintained by childcare resource and referral programs the number of requests for care by age of the child, race and ethnicity of the child, hours of care needed by race and ethnicity of the child, and the facility type requested by race and ethnicity of the child.

(2) The California Child Day Care Facilities Act authorizes any person to request an inspection of any child day care facility by transmitting to the State Department of Social Services notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state. Complaints under the act may be made either orally or in writing.

This bill, commencing January 1, 2022, would authorize any person to submit a complaint related to discriminatory or exclusionary practices, including suspension or expulsion of a child, persuading a family to withdraw a child, or cutting hours of care unrelated to a change in family need, to the State Department of Social Services orally or in writing. With respect to such a complaint, the bill would require that the complainant be asked to indicate the age, race, and ethnicity of the child, the facility type of the provider, and whether the care was provided by a subsidized program. The bill would prohibit complaints regarding discriminatory or exclusionary practices from triggering an inspection or investigation, but would require the department to report data on the total number of such complaints to the Legislature annually starting in January 2023.

The bill would also require the department to include in the notice it provides, under existing law, to each licensed child day care facility for posting, information indicating that complaints may be made regarding health and safety, discrimination, and exclusion.

(3) Existing law establishes the Cradle-to-Career Data System Workgroup to assess and recommend data system structural components, processes, and options for expansion and enhancement of data system functionality with respect to data collected as young persons make their way through early learning and on to elementary, secondary, and postsecondary education.

This bill would require the State Department of Social Services, in coordination with the State Department of Education, to develop and maintain the Early Learning and Care Dashboard, a web-based system

for publicly reporting data regarding the California state preschool program and specified early learning and care programs, no later than January 1, 2024. The bill would require the dashboard to report information that would include, among other things, enrollment by race, ethnicity, and age in each type of early learning and care program, the total number of complaints related to discrimination or exclusion, by race and age of the child and early learning or childcare facility type, and the total number of children enrolled in the California state preschool program that were suspended or expelled, by race and ethnicity.

The bill would require the Cradle-to-Career Data System Workgroup to make recommendations for additions or modifications to the dashboard no later than January 1, 2025. The bill would also require a stakeholder group to make recommendations to the Legislature and the State Department of Social Services regarding implicit bias and racism training for child development permitholders, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) National data indicates that children are expelled, suspended,  
4 and counseled out of early learning and childcare programs at  
5 much higher rates than in grades K–12, and that African American  
6 and Hispanic children, especially boys, are disproportionately  
7 impacted by this practice. California does not currently prohibit  
8 expulsion or suspension in early learning and childcare programs.

9 (2) Inequitable access to, and exclusion from, high-quality early  
10 learning and care programs significantly contributes to the  
11 vocabulary gap, the academic achievement gap, and the graduation  
12 gap.

13 (3) California currently does not collect suspension and  
14 expulsion information from early learning and care providers,  
15 unless the child attends a local educational agency and has an  
16 individualized education program or individualized family service  
17 plan pursuant to Part B of the federal Individuals with Disabilities  
18 Education Act (20 U.S.C. Sec. 1400 et seq.).

1 (4) California’s data systems annually collect information about  
2 the age, race, and ethnicity of children enrolled in early learning  
3 and care programs, provider health and safety complaints and  
4 violations, the number and location of licensed early learning and  
5 care providers in each county, the number of childcare permits,  
6 and the number of children with an individualized education  
7 program or individualized family services plan that have been  
8 suspended or expelled, but does not currently have a platform to  
9 share this information publicly. Better access to this data would  
10 allow policymakers and providers to make informed decisions  
11 about where to invest additional resources, and would help identify  
12 gaps and inequities in the availability of, and access to, early  
13 learning and care.

14 (5) Resource and referral programs are required to collect  
15 information about parent requests for early learning and care  
16 services, including the age of the child needing services and the  
17 hours of care requested, but currently do not collect information  
18 about the race or ethnicity of families seeking care. Additional  
19 data on the demographics of families seeking care would allow  
20 policymakers and departments to determine whether access to  
21 high-quality programs is equitable by race and ethnicity and  
22 establish targeted strategies to increase equity.

23 (b) Therefore, it is the intent of the Legislature to enact  
24 legislation that, through greater data transparency and  
25 accountability, addresses the suspension and expulsion of African  
26 American and Hispanic children in early learning and care settings  
27 at disproportionate rates and inequitable access to high-quality  
28 early learning and care.

29 SEC. 2. Section 8212 of the Education Code is amended to  
30 read:

31 8212. (a) For purposes of this article, ~~child care~~ *childcare*  
32 resource and referral programs, established to serve a defined  
33 geographic area, shall provide the following services:

34 (1) (A) Identification of the full range of existing ~~child care~~  
35 *childcare* services through information provided by all relevant  
36 public and private agencies in the areas of service, and the  
37 development of a resource file of those ~~services~~ *services*, which  
38 shall be maintained and updated at least quarterly. These services  
39 shall include, but not be limited to, family day care homes, public

1 and private day care programs, full-time and part-time programs,  
2 and infant, preschool, and extended care programs.

3 (B) The resource file shall include, but not be limited to, the  
4 following information:

- 5 (i) Type of program.
- 6 (ii) Hours of service.
- 7 (iii) Ages of children served.
- 8 (iv) Fees and eligibility for services.
- 9 (v) Significant program information.

10 (2) (A) (i) Establishment of a referral process—~~which that~~  
11 responds to parental need for information and—~~which that~~ is  
12 provided with full recognition of the confidentiality rights of  
13 parents. Resource and referral programs shall make referrals to  
14 licensed child day care facilities. Referrals shall be made to  
15 unlicensed care facilities only if there is no requirement that the  
16 facility be licensed. The referral process shall afford parents  
17 maximum access to all referral information. This access shall  
18 include, but is not limited to, telephone referrals to be made  
19 available for at least 30 hours per week as part of a full week of  
20 operation. Every effort shall be made to reach all parents within  
21 the defined geographic area, including, but not limited to, any of  
22 the following:

- 23 (I) Toll-free telephone lines.
- 24 (II) Office space convenient to parents and providers.
- 25 (III) Referrals in languages which are spoken in the community.
- 26 (ii) Each ~~child care~~ *childcare* resource and referral program  
27 shall publicize its services through all available media sources,  
28 agencies, and other appropriate methods.

29 (B) (i) Provision of information to any person who requests a  
30 ~~child care~~ *childcare* referral of ~~his or her~~ *their* right to view the  
31 licensing information of a licensed child day care facility required  
32 to be maintained at the facility pursuant to Section 1596.859 of  
33 the Health and Safety Code and to access any public files pertaining  
34 to the facility that are maintained by the State Department of Social  
35 Services Community Care Licensing Division.

36 (ii) A written or oral advisement in substantially the following  
37 form will comply with the requirements of clause (i):

38 “State law requires licensed child day care facilities to make  
39 accessible to the public a copy of any licensing report pertaining  
40 to the facility that documents a facility visit or a substantiated

1 complaint investigation. In addition, a more complete file regarding  
 2 a child care licensee may be available at an office of the State  
 3 Department of Social Services Community Care Licensing  
 4 Division. You have the right to access any public information in  
 5 these files.”

6 (3) (A) Maintenance of ongoing documentation of requests  
 7 for service tabulated through the internal referral process. The  
 8 following documentation of requests for service shall be maintained  
 9 by all ~~child-care~~ *childcare* resource and referral programs:

10 (i) Number of calls and contacts to the ~~child-care~~ *childcare*  
 11 information and referral program or component.

12 (ii) Ages of children served.

13 (iii) Time category of ~~child-care~~ *childcare* request for each child.

14 (iv) Special time category, such as nights, weekends, and swing  
 15 shift.

16 (v) Reason that the ~~child-care~~ *childcare* is needed.

17 (vi) *The number of requests for care by age of the child, race*  
 18 *and ethnicity of the child, hours of care needed by race and*  
 19 *ethnicity of the child, and facility type requested by race and*  
 20 *ethnicity of the child.*

21 (B) This information shall be maintained in a manner that is  
 22 easily accessible for dissemination ~~purposes~~ *purposes*, and shall  
 23 be accessible to local ~~child-care~~ *childcare* and development  
 24 planning councils authorized pursuant to Section 8499.5 and any  
 25 county implementing an individualized county ~~child-care~~ *childcare*  
 26 subsidy plan.

27 (4) Provision of technical assistance to existing and potential  
 28 providers of all types of ~~child-care~~ *childcare* services. This  
 29 assistance shall include, but not be limited to:

30 (A) Information on all aspects of initiating new ~~child-care~~  
 31 *childcare* services including, but not limited to, licensing, zoning,  
 32 program and budget development, and assistance in finding this  
 33 information from other sources.

34 (B) Information and resources that help existing ~~child-care~~  
 35 *childcare* services providers to maximize their ability to serve the  
 36 children and parents of their community.

37 (C) Dissemination of information on current public issues  
 38 affecting the local and state delivery of ~~child-care~~ *childcare*  
 39 services.

1 (D) Facilitation of communication between existing ~~child-care~~  
2 *childcare* and child-related services providers in the community  
3 served.

4 (5) (A) (i) Provision of a ~~child-care~~ *childcare* navigator to  
5 support children in foster care, children previously in foster care  
6 upon return to their home of origin, and children of parents  
7 involved in the child welfare system, including the children of  
8 nonminor dependents. The navigator shall work with the child's  
9 family, as described in paragraph (2) of subdivision (d) of Section  
10 11461.6 of the Welfare and Institutions Code, and the child's social  
11 worker and child and family team to assess ~~child-care~~ *childcare*  
12 opportunities appropriate to the child's age and needs, assist the  
13 family in identifying potential opportunities for an ongoing ~~child~~  
14 *care childcare* subsidy, assist the caregiver in completing  
15 appropriate ~~child-care~~ *childcare* program applications, and develop  
16 an overall, long-term ~~child-care~~ *childcare* plan for the child.

17 (ii) As a condition of receiving funds pursuant to this  
18 subparagraph, each resource and referral program shall develop  
19 and enter into a memorandum of understanding, contract, or other  
20 formal agreement with the county child welfare agency in order  
21 to facilitate interagency communication and, to the maximum  
22 extent possible, to leverage federal funding, including  
23 administrative funding, available pursuant to Title IV-E of the  
24 federal Social Security Act, to enhance the navigation support  
25 authorized under this subparagraph, or the resource and referral  
26 program shall explain, in writing, annually, why entering into a  
27 memorandum of understanding, contract, or other formal agreement  
28 with the county child welfare agency is not practical or feasible.  
29 Navigator services provided pursuant to this subparagraph shall  
30 be made available to any child in foster care, any child previously  
31 in foster care who has returned to ~~his or her~~ *their* home of origin,  
32 and any child of parents involved in the child welfare system,  
33 including any child who meets the eligibility criteria for the  
34 Emergency Child Care Bridge Program for Foster Children  
35 established pursuant to Section 11461.6 of the Welfare and  
36 Institutions Code. Eligibility for navigator services shall not be  
37 contingent on a child's receipt of a ~~child-care~~ *childcare* payment  
38 or voucher.

39 (B) (i) Provision of trauma-informed training and coaching to  
40 ~~child-care~~ *childcare* providers working with children, and children

1 of parenting youth, in the foster care system. Training shall include,  
2 but not be limited to, infant and toddler development and  
3 research-based, trauma-informed best care practices. ~~Child care~~  
4 *Childcare* providers shall be provided with coaching to assist them  
5 in applying training techniques and strategies for working with  
6 children, and children of parenting youth, in foster care.

7 (ii) As a condition of receiving funds pursuant to this  
8 subparagraph, each resource and referral program, in coordination  
9 with the California Child Care Resource and Referral Network,  
10 shall develop and enter into a memorandum of understanding,  
11 contract, or other formal agreement with the county child welfare  
12 agency in order to, to the maximum extent possible, leverage  
13 federal funding, including training funds, available pursuant to  
14 Title IV–E of the federal Social Security Act, to enhance the  
15 training support authorized under this subparagraph, or the resource  
16 and referral agency shall explain, in writing, annually, why entering  
17 into a memorandum of understanding, contract, or other formal  
18 agreement with the county child welfare agency is not practical  
19 or feasible.

20 (b) Services prescribed by this section shall be provided in  
21 order to maximize parental choice in the selection of ~~child care~~  
22 *childcare* to facilitate the maintenance and development of ~~child~~  
23 *care childcare* services and resources.

24 (c) (1) A program operating pursuant to this article shall, within  
25 two business days of receiving notice, remove a licensed child day  
26 care facility with a revocation or a temporary suspension order, or  
27 that is on probation from the program's referral list.

28 (2) A program operating pursuant to this article shall, within  
29 two business days of receiving notice, notify all entities, operating  
30 a program under Article 3 (commencing with Section 8220) and  
31 Article 15.5 (commencing with Section 8350) in the program's  
32 jurisdiction, of a licensed child day care facility with a revocation  
33 or a temporary suspension order, or that is on probation.

34 SEC. 3. Section 1596.853 of the Health and Safety Code is  
35 amended to read:

36 1596.853. (a) Any person may request an inspection of any  
37 child day care facility in accordance with the California Child Day  
38 Care Facilities Act by transmitting to the department notice of an  
39 alleged violation of applicable requirements prescribed by the

1 statutes or regulations of this state. A complaint may be made  
2 either orally or in writing.

3 (b) The substance of the complaint shall be provided to the  
4 licensee no earlier than at the time of the inspection. Unless the  
5 complainant specifically requests otherwise, neither the substance  
6 of the complaint provided the licensee nor any copy of the  
7 complaint or any record published, released, or otherwise made  
8 available to the licensee shall disclose the name of any person  
9 mentioned in the complaint, except the name of any duly authorized  
10 officer, employee, or agent of the department conducting the  
11 investigation or inspection pursuant to this chapter.

12 (c) (1) Upon receipt of a complaint, the department shall make  
13 a preliminary review and, unless the department determines that  
14 the complaint is willfully intended to harass a licensee or is without  
15 any reasonable basis, the department shall make an onsite  
16 inspection within 10 days after receiving the complaint, except  
17 where the visit would adversely affect the licensing investigation  
18 or the investigation of other agencies, including, but not limited  
19 to, law enforcement agencies. In either event, the complainant  
20 shall be promptly informed of the department's proposed course  
21 of action.

22 ¶

23 (2) *If* the department determines that the complaint is without  
24 a reasonable basis, then the complaint shall be marked confidential  
25 and shall not be disclosed to the public. ~~The child-care~~ *childcare*  
26 provider shall be notified in writing within 30 days of the dismissal  
27 that the complaint has been dismissed.

28 (d) (1) The department shall notify a resource and referral  
29 program funded under Section 8210 of the Education Code, as  
30 follows:

31 (A) Upon the issuance or denial of a license for a child day care  
32 facility within the resource and referral program's jurisdiction.

33 (B) Within one business day of a finding that physical or sexual  
34 abuse has occurred at a child day care facility within the resource  
35 and referral program's jurisdiction.

36 (C) Within two business days of the issuance of a temporary  
37 suspension order, or the revocation or placement on probation of  
38 a license for a child day care facility within the resource and  
39 referral program's jurisdiction.

1 (D) The department shall also notify the resource and referral  
2 program of the final resolution of any action specified in this  
3 paragraph.

4 (2) With the exception of parents seeking local day care service,  
5 any other entity specified in subdivision (b) of Section 1596.86  
6 may request that the department provide the notification described  
7 in paragraph (1).

8 (e) When the department substantiates an allegation that it deems  
9 to be serious in a facility funded by the Child Development  
10 Division of the State Department of Education pursuant to Chapter  
11 2 (commencing with Section 8200) of Part 6 of *Division 1 of Title*  
12 *1* the Education Code it shall notify the Child Development  
13 Division.

14 (f) (1) *Notwithstanding any other provision of this section,*  
15 *commencing January 1, 2022, any person may submit a complaint*  
16 *related to discriminatory or exclusionary practices, including*  
17 *suspension or expulsion of a child, persuading a family to withdraw*  
18 *a child, or cutting hours of care unrelated to a change in family*  
19 *need, to the department orally or in writing. Complainants shall*  
20 *be asked to indicate the age, race, and ethnicity of the child, the*  
21 *facility type of the provider, and whether the care was provided*  
22 *by a subsidized program including the California State Preschool*  
23 *Program, as described in Section 8235 of the Education Code, or*  
24 *the early learning and care programs described in Section 10203*  
25 *of the Education Code. Complaints regarding discriminatory or*  
26 *exclusionary practices shall not trigger an inspection or*  
27 *investigation.*

28 (2) *The department shall report the total number of complaints*  
29 *regarding discriminatory or exclusionary practices as described*  
30 *in this subdivision to the Legislature on or before January 31,*  
31 *2023, and on or before January 31 of each year thereafter. A report*  
32 *submitted pursuant to this paragraph shall be submitted in*  
33 *compliance with Section 9795 of the Government Code.*

34 SEC. 4. Section 1596.874 of the Health and Safety Code is  
35 amended to read:

36 1596.874. (a) The State Department of Social Services shall  
37 furnish each licensed child day care facility with a notice that shall  
38 be posted at the facility where it can be easily seen by employees  
39 and consumers. The required notice shall contain information  
40 ~~which~~ *that* does all of the following:

1 (1) Identifies the licensing agency and how licensing regulations  
2 may be obtained.

3 (2) Gives local telephone numbers where complaints may be  
4 made.

5 (3) *Indicates that complaints may be made regarding health  
6 and safety, discrimination, and exclusion.*

7 ~~(3)~~

8 (4) Contains the nonretaliation provision in Section 1596.881.

9 (b) The licensee of the child day care facility shall make ~~his or~~  
10 ~~her~~ *the licensee's* copy of current licensing regulations available  
11 to employees and consumers.

12 SEC. 5. Section 10207 is added to the Welfare and Institutions  
13 Code, immediately following Section 10206, to read:

14 10207. (a) No later than January 1, 2024, in coordination with  
15 the State Department of Education, and in consultation with the  
16 Cradle-to-Career Data System Workgroup established pursuant to  
17 Section 10853 of the Education Code, the department shall develop  
18 and maintain the Early Learning and Care Dashboard, a web-based  
19 system for publicly reporting data regarding the California state  
20 preschool program, as described in Section 8235 of the Education  
21 Code, and the early learning and care programs described in Section  
22 10203. The dashboard shall report all of the following information  
23 at a statewide and countywide level:

24 (1) Enrollment by race, ethnicity, and age in each type of early  
25 learning or childcare program.

26 (2) The number of requests for early learning and childcare by  
27 age, and race and ethnicity.

28 (3) The time category of care requested, by race and ethnicity  
29 of the child.

30 (4) The type of early learning or childcare facility preferred, if  
31 stated, by race and ethnicity.

32 (5) The total number of health and safety complaints, by early  
33 learning or childcare facility type.

34 (6) The total number of complaints related to discrimination or  
35 exclusion, by race and age of the child, and by early learning or  
36 childcare facility type.

37 (7) The number of active child day care licenses, as described  
38 in Article 2 (commencing with Section 1596.80) of Chapter 3.4  
39 of Division 2 of the Health and Safety Code, by facility type,  
40 capacity, ages served, and ZIP Code.

- 1 (8) The number of active child development permits, at each  
2 level, as reported by the Commission on Teacher Credentialing.
- 3 (9) The total number of children with an individualized  
4 education program or individualized family service plan pursuant  
5 to Part B of the federal Individuals with Disabilities Education Act  
6 (20 U.S.C. Sec. 1400 et seq.), by race and ethnicity.
- 7 (10) The total number of children with an individualized  
8 education program or individualized family service plan pursuant  
9 to Part B of the federal Individuals with Disabilities Education Act  
10 (20 U.S.C. Sec. 1400 et seq.), who were enrolled in the California  
11 state preschool program and were suspended or expelled, by race  
12 and ethnicity.
- 13 (11) The total number of children enrolled in the California state  
14 preschool program or one of the early learning and care programs  
15 described in Section 10203, that were suspended or expelled, by  
16 race and ethnicity.
- 17 (b) No later than January 1, 2025, the Cradle-to-Career Data  
18 System Workgroup shall make recommendations for additions or  
19 modifications to the Early Learning and Care Dashboard to ensure  
20 that it aligns with the Cradle-to-Career Data System.
- 21 (c) No later than January 1, 2024, a stakeholder group convened  
22 by the department shall make recommendations to the Legislature  
23 and the department regarding the type and extent of training on  
24 implicit bias and racism that should be provided to holders of the  
25 child development permit. The stakeholder group shall provide a  
26 cost estimate for this training, and identify existing local  
27 institutions, including resource and referral programs, local  
28 childcare planning councils, and county offices of education, that  
29 could be used to provide training. The group shall provide  
30 recommendations on how to prioritize funding for training based  
31 on the Early Learning and Care Dashboard data. Funding for this  
32 training shall be contingent upon the enactment of an appropriation  
33 for its purposes in the Budget Act or another statute.

O